

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STENIO DESOUZA and RAQUEL DESOUZA)	
)	C.A. 05-787 -SLR
Plaintiffs,)	
)	
v.)	
)	
PETTINARO CONSTRUCTION CO., INC. et al.,)	
)	
Defendants.)	

**STIPULATION TO DISMISS PLAINTIFF'S CLAIMS AGAINST
DEFENDANT LANDMARK ENGINEERING, INC.
WITHOUT PREJUDICE**

The parties hereto, by and through their undersigned attorneys, hereby stipulate and agree as follows:

1. Plaintiff's claims against Defendant Landmark Engineering, Inc. ("Landmark") in this matter are hereby DISMISSED without prejudice.
2. The statute of limitations applicable to Plaintiffs' claim against Landmark shall be tolled for a period of one year (365 days) from February 26, 2007.
3. In the event that Plaintiffs choose to file any claim against Landmark after Landmark is dismissed from this action, they must file a motion with this Court seeking leave to file such claim and provide written notice, with a copy of all moving papers, to counsel for Landmark, immediately upon the filing of the motion.
4. In the event that the claims against Landmark are reinstated in this action after the dismissal, Plaintiffs shall provide Landmark with copies of all discovery materials exchanged to date and all parties shall provide Landmark with a minimum of sixty (60) days to comply with any deadline set by the Court in this case relating to discovery, pretrial filings and trial.

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FOR THE DISTRICT OF DELAWARE**

STENIO DESOUZA and RAQUEL DESOUZA)	
)	Civil Action No. 05-787 -SLR
Plaintiffs,)	
)	
v.)	
)	
PETTINARO CONSTRUCTION CO., INC. et al.,)	
)	
Defendants.)	

PROPOSED ORDER

THE COURT HAVING CONSIDERED the Stipulation to Dismiss Plaintiff's Claims Defendant Landmark Engineering, Inc. Without Prejudice, and there being no objection thereto and good cause having been shown;

IT IS HEREBY ORDERED, this ____, day of _____, 2007, that Plaintiff's claims against Defendant Landmark Engineering, Inc. are hereby DISMISSED without prejudice in accordance with the Stipulation to Dismiss Plaintiff's Claims Against Defendant Landmark Engineering, Inc. Without Prejudice.

Robinson, J.